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**STIPULATION FOR SETTLEMENT
OF DISCIPLINARY ACTION
PURSUANT TO NAC 645C.610(3)**

VS.

Case No. AP10.029.S and AP10.030.S

Respondent.

3. **FINDINGS.** The AARC has found that the Respondent, while licensed, certified or registered as a Nevada Appraiser, committed violations of chapter 645C of Nevada Revised

1 Statutes and Nevada Administrative Code and/or USPAP. A description of the conduct in which
2 these violations were committed is set forth in specificity in the Summary of Facts which is
3 attached hereto as EXHIBIT "A". The Administrator has the authority, pursuant to NAC
4 645C.600(2), to establish an advisory committee in an attempt to review this matter informally
5 and recommend a resolution.

6 4. **NO ADMISSION OF GUILT.** The Respondent does not admit or deny the findings of
7 the AARC, choosing to remain silent, but does agree that the findings establish a prima facie case
8 for the discipline set forth below and stipulates, subject to the limitations and conditions set forth
9 below, that the Division shall not be required to provide further evidence of such allegations.

10 5. **SETTLEMENT FOR DISCIPLINARY ACTION.** As set forth above, the AARC is
11 authorized under NAC 645C.610 to impose an administrative fine, upon final approval by the
12 Commission. The Division also has the option to file a complaint with the Nevada Commission of
13 Appraisers of Real Estate (the "Commission"). The Commission has the authority pursuant to NRS
14 645C.460(2)(d) to impose a fine of up to \$10,000 for each violation alleged or to suspend or revoke
15 the Respondent's certificate, license or registration card. The parties, however, desire to
16 compromise and settle the instant controversy, without a hearing, upon the following terms and
17 conditions:

18 a. **Committee Recommendations:** RESPONDENT work with a certified appraiser who
19 will supervise the completion of the first ten assignments completed after the approval of this
20 agreement. The supervisor must be approved by the Division. All costs associated with the review
21 will be paid by the Respondent. It was also Recommended that RESPONDENT complete a 15 hour
22 National USPAP course, a 15 hour Cost Approach course, both in a class room setting and a 30 hour
23 Advanced Residential Sales Comparison Approach course. Respondent must pass the final
24 examination for each course. The courses hours may not be used to satisfy the continuing
25 education requirements. Courses must be taken within six months.

26 b. **Public Record.** RESPONDENT and the DIVISION agree that by entering into this
27 Stipulation, the DIVISION does not concede any defense or mitigation RESPONDENT may assert,
28 and the parties agree that the DIVISION will not publicize the instant disciplinary matter, except as
set forth below, and that once this Stipulation is approved and fully performed, the DIVISION will

close its file in this matter. RESPONDENT understands that the public records law may require the DIVISION to make available for inspection this Stipulation and related documents. RESPONDENT also understands that the DIVISION may share the content of this Stipulation and related documents with any governmental or professional organization or member of the public;

c. **Newsletter.** RESPONDENT and the DIVISION agree that the DIVISION, at its discretion, may publish in the newsletter an anonymous summary of the alleged offenses of RESPONDENT and the terms of this Stipulation, with the understanding of all parties that such publication will not specifically name RESPONDENT or make reference to any other party; RESPONDENT will be referred to only as a licensee in the State of Nevada. It is further understood by the parties that this publication is for educational purposes only and to advise other licensees of the alleged violation(s) and that disciplinary action has been taken by the DIVISION;

d. **Failure to perform; hearing on complaint.** RESPONDENT agrees that if the required education is not completed in the time allowed above, RESPONDENT'S license will be automatically suspended until such time as the fine is paid and continuing education requirement satisfied. The DIVISION may, at its option, rescind this Stipulation and proceed with filing a Complaint before the Commission. Further, recovery actions for the administrative fines may be instituted by the DIVISION;

e. **No other remedies.** Assuming Respondent complies with the terms of this stipulation, the Division agrees not to pursue any other or greater remedies or fines in connection with the conduct referenced in above unless stipulation is rescinded.

f. **Waiver by Respondent.** RESPONDENT agrees and understands that by entering into this Stipulation, RESPONDENT is waiving his/her right to a hearing at which RESPONDENT may present evidence in his/her defense and to be represented by counsel, to judicial review of any adverse decision by the Commission, and to present his/her defense to a Commission which has had no prior familiarity with the instant matter. The Commission members who review this matter for approval of this Stipulation may be the same members who ultimately hear the DIVISION'S complaint if this Stipulation is either not approved by the Commission or is not timely performed by RESPONDENT; and

g. **Attorney fees and other costs.** Each party shall bear its own attorney's fees and

other costs not specifically set forth in this Stipulation.

1 6. **RELEASE.** In consideration of execution of this Stipulation, the Respondent for
2 himself/herself or his/her heirs, executors, administrators, successors, and assigns, hereby
3 release, remiss, and forever discharge the State of Nevada, the Department of Business and
4 Industry of the State of Nevada, the Division, and each of their members, agents, and employees
5 in their individual and representative capacities, from any and all manner of actions, causes of
6 action, suits, debts, judgments, executions, claims, and demands whatsoever, known and
7 unknown, in law or equity, that the Respondents ever had, now has, may have, or claims to have
8 against any or all of the persons or entities named in this section, arising out of or by reason of
9 the Division's investigation, this disciplinary action, or any other matter relating thereto.

10 7. **INDEMNIFICATION.** Respondent hereby indemnifies and holds harmless the State
11 of Nevada, the Department of Business and Industry of the State of Nevada, the Division, and
12 each of their members, agents, and employees in their individual and representative capacities
13 against any and all claims, suits, and actions brought against said persons and/or entities by
14 reason of the investigation of the allegations in the Complaint, this disciplinary action and all
15 other matters relating thereto, and against any and all expenses, damages, and costs, including
16 court costs and attorney fees, which may be sustained by the persons and/or entities named in
this section as a result of said claims, suits, and actions.

17 8. **COMMISSION APPROVAL OF STIPULATION NECESSARY.**
18 Once executed, this Stipulation will be filed with the Commission and will be put on the agenda
19 for approval at its meeting, which by Nevada law is a public meeting. At that time, the DIVISION
20 will recommend to the Commission approval of the Stipulation. RESPONDENT acknowledges and
21 agrees that the Commission may approve this Stipulation, reject it, or suggest different terms
22 which must be communicated to RESPONDENT and accepted or rejected by RESPONDENT before
23 any such amendment shall become effective.

24 9. **SETTLEMENT DISCUSSIONS NOT EVIDENCE.** Any statements made during the
25 discussions leading up to this Stipulation may not be discussed or introduced into evidence at any
26 hearing. However, evidence of the Respondent's failure to abide by the terms of any Stipulation
27 entered into with the Division, may be introduced at a hearing and used against the Respondent.

28 10. **STIPULATION IS NOT A BAR TO FUTURE PROCEEDINGS.** This Stipulation shall not

1 constitute an estoppel, merger or bar to any administrative or civil proceeding by the Division
2 with respect to any future matters or other matters that were not consideration for this
3 Stipulation.

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7 SO STIPULATED.

8 Dated: 6-06-11

REAL ESTATE DIVISION, Department of
Business and Industry, State of Nevada

10 By Gail J Anderson
11 GAIL J ANDERSON,
12 Administrator

13 Dated: 5-24-11

14 Mark Orgill
15 MARK ORGILL
16 Respondent

17 ORDER

18 The foregoing Stipulation was approved by a vote of the Nevada Commission of
19 Appraisers of Real Estate on June 7, 2011.

20 DATED this 7th day of June, 2011.

21 NEVADA COMMISSION OF APPRAISERS OF
22 REAL ESTATE

23 Michael R. Christie
24 Commissioner
25
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28

CERTIFICATE OF SERVICE

I, hereby certify that I am an employee of the Real Estate Division, Department of Business and Industry, State of Nevada and that on the 9th day of JUNE, 2011 I served a fully executed copy of the foregoing **STIPULATION FOR SETTLEMENT OF DISCIPLINARY ACTION PURSUANT TO NAC 645C.610(3)** by depositing a copy of the same in the State of Nevada mailroom, properly addressed, certified return receipt requested, addressed as follows:

CERTIFIED MAIL # 7011 0470 0003 3509 0875

MARK ORGILL
1950 GUINN DR
HENDERSON, NV 89014


Linda Pierson, Commission Coordinator

EXHIBIT A

State of Nevada
Department of Business & Industry
Real Estate Division
Appraisal Advisory Review Committee
2501 E. Sahara Avenue, Suite 102
Las Vegas, Nevada 89104

COMMITTEE REPORT

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|-----------------------|---|
| Date of AARC meeting: | May 9, 2011 |
| Case No. | AP10.029.S and AP10.030.S |
| Respondent: | Mark Orgill |
| License No. | A.0003131-CR |
| Appraisal Officer: | Brenda Kindred-Kipling |
| Committee members: | Debbie Huber, Chair, Denny Baughman, Robert Stefan |

CASE AP10.029.S

Findings:

The Committee determined that in the case of the appraisal of a single family residence located at 7808 Island Rail Dr., N Las Vegas, NV dated February 28, 2009. RESPONDENT violated the Uniform Standards of Professional Appraisal Practice in that he failed to choose the most comparable sales available at the time of the report, he failed to complete the cost approach correctly and failed to keep a complete workfile.

CASE AP10.030.S

FINDINGS:

The Committee determined that in the case of the appraisal of a single family residence located at 725 Kendall Ave., Boulder City NV dated February 18, 2009. RESPONDENT violated the Uniform Standards of Professional Appraisal Practice in that he failed to choose the most comparable sales available at the time of the report, he failed to complete the cost approach correctly and failed to correctly address the market conditions.

Violations:

ETHICS RULE

Record Keeping: Case AP10.029.S only.

An appraiser must prepare a workfile for each appraisal, appraisal review, or appraisal consulting assignment. The workfile must include: all other data, information, and documentation necessary to support the appraiser's opinions and conclusions and to show compliance with the Rule and all other applicable Standards, or references to the location of such other documentation.

Standards Rule 1-1

In developing a real property appraisal, an appraiser must:

- (a) be aware of, understand, and correctly employ those recognized methods and techniques that are necessary to produce a credible appraisal.
- (b) Not commit a substantial error of omission or commission that significantly affects an appraisal; and
- (c) Not render appraisal services in a careless or negligent manner, such as by making a series of errors that, although individually might not significantly affect the results of an appraisal, in the aggregate affects the credibility of those results.

Standards Rule 1-4

- (a) When a sales comparison approach is applicable, an appraiser must analyze such comparable sales data as are available to indicate a value conclusion.
- (b) When a cost approach is necessary for credible assignment results, an appraiser must:
 - (i) develop an opinion of site value by an appropriate appraisal methods or techniques;

Standards Rule 2-1

Each written or oral real property appraisal report must:

- (a) clearly and accurately set forth the appraisal in a manner which will not be misleading;
- (b) Contain sufficient information to enable the intended users of the appraisal to understand the report properly;

Standards Rule 2-2(b) (viii)

Summarize the information analyzed, the appraisal methods and techniques employed, and the reasoning that supports the analyses, opinions and conclusions;

Committee recommendation:

The Committee recommended that RESPONDENT work with a certified appraiser who will supervise the completion of the first ten assignments completed after the approval of this agreement. The supervisor must be approved by the Division. All costs associated with the review will be paid by the Respondent. It was also Recommended that RESPONDENT complete a 15 hour National USPAP course, a 15 hour Cost approach course, both in a class room setting and a 30 hour Advanced Residential Sales Comparison Approach course. Respondent must pass the final examination for each course. The courses hours may not be used to satisfy the continuing education requirements. Courses must be taken within six months.

Respondents agreed.

This report is hereby submitted on this the __9th__ day of May, 2011.

Appraisal Advisory Review Committee



Debbie Huber, Chair